

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: HEALTH CARE FINANCING ADMINISTRATION	1. TRANSMITTAL NUMBER: <u>0 1 - 1 5</u>	2. STATE MO
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR HEALTH CARE FINANCING ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE July 1, 2001	

5. TYPE OF PLAN MATERIAL (Check One):

☐ NEW STATE PLAN ☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN ☒ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:	7. FEDERAL BUDGET IMPACT: a. FFY _____ \$ _____ b. FFY _____ \$ _____
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: 4.16-18, Pages 1-7	9. PAGE NUMBER OF THE SUPERSEDES PLAN SECTION OR ATTACHMENT (If Applicable): 4.16-18 (4.16R)

10. SUBJECT OF AMENDMENT:

Interagency Agreement between the Departments of Elementary and Secondary Education, and Department of Social Services to document the assurance of the State of Missouri to provide appropriate early intervention services as defined by the Individuals with Disabilities Education Act-Part C. - Missouri's First Step System.

11. GOVERNOR'S REVIEW (Check One)

☒ GOVERNOR'S OFFICE REPORTED NO COMMENT *qe* ☐ OTHER, AS SPECIFIED:
☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL: <i>Dana Katherine Martin</i>	16. RETURN TO: Department of Social Services Division of Medical Services 615 Howerton Court P.O. Box 6500 Jefferson City, MO 65102-6500
13. TYPE NAME: Dana Katherine Martin	
14. TITLE: Director	
15. DATE SUBMITTED: June 26, 2001	

FOR REGIONAL OFFICE USE ONLY	
17. DATE RECEIVED: June 26, 2001	18. DATE APPROVED: JUL 30 2001
PLAN APPROVED - ONE COPY ATTACHED	
19. EFFECTIVE DATE OF APPROVED MATERIAL: 7/1/01	20. SIGNATURE OF REGIONAL OFFICIAL: <i>Nanette Foster Reilly</i>
21. TYPED NAME: Nanette Foster Reilly	22. TITLE: Acting ARA for Medicaid & State Operations
23. REMARKS: CC: Martin Vadner White Co	
SPA CONTROL Date Submitted: 06/26/01 Date Received: 06/26/01	

**Interagency Agreement Between the Department of Elementary and Secondary Education
And
The Department of Social Services
For Part C of the Individuals with Disabilities Education Act
Missouri's First Steps System**

Purpose

This agreement documents the assurance of the State of Missouri to provide appropriate early intervention services as defined by the Individuals with Disabilities Education Act, Part C (34 CFR 303 Early Intervention Program for Infants and Toddlers with Disabilities) to all eligible infants and toddlers in the State. This agreement identifies the responsibilities and obligations of the Department of Elementary and Secondary Education and the Department of Social Services.

Both agencies agree to this collaborative agreement to fulfill their regulatory requirements, to maximize resources, reduce duplication of services, and provide a statewide system of early intervention services that is coordinated, comprehensive, and multidisciplinary in nature. This interagency agreement is effective July 1, 2001, and individual sections may be amended by mutual agreement of the participating agencies. A formal review of this interagency agreement will occur biannually.

Section I. State Agency Responsibilities

Department of Elementary and Secondary Education

The Department of Elementary and Secondary Education (DESE) is the state lead agency responsible for ensuring the provision of early intervention services to eligible infants and toddlers with disabilities and their families consistent with the requirements of Part C of the Individuals with Disabilities Education Act.

The Department is responsible for ensuring that the minimum components of a statewide system of early intervention services for eligible infants and toddlers and their families, as required by the United States Department of Education is established and maintained in the state. The minimum components include the following:

- 1) A state definition of developmentally delayed
- 2) A central directory of information relating to early intervention services, resources, experts, and research and demonstration projects available in the state

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Attachment 4.16-18 (4.16R)

- 3) Timetables for serving eligible infants and toddlers and their families
- 4) A public awareness program
- 5) A comprehensive child find system
- 6) Evaluation and assessment procedures
- 7) Development, review and evaluation of IFSPs and service coordination
- 8) A comprehensive system of personnel development
- 9) Development and implementation of personnel standards
- 10) Development and implementation of procedural safeguards
- 11) General administration, supervision, and monitoring of the early intervention system
- 12) Procedures for resolving complaints
- 13) Policies and procedures related to financial matters, including the following:
 - a) the identification and coordination of all resources in the state available for early intervention services
 - b) the timely reimbursement of funds provided by the United States Department of Education for early intervention services
 - c) the assignment of financial responsibility among the participating agencies
- 14) Interagency agreements for resolution of disputes
- 15) Policies for contracting or otherwise arranging for services
- 16) Data collection on the numbers of infants and toddlers with disabilities and their families in the state
- 17) Policies and procedures to ensure that, to the maximum extent appropriate, early intervention services are provided in the natural environment and that the provision of early intervention services occurs only when early intervention can not be satisfactorily achieved in the natural environment.

In addition, the Department is also responsible for:

- Providing staff to support the activities of the State Interagency Coordinating Council.
- Developing and submitting requests to the General Assembly for fiscal support of Part C activities.
- Developing and supervising state-level contracts to support infrastructure and required Part C components including IFSP direct services and service coordination.

Department of Social Services (DSS) Division of Medical Services (DMS)

The Missouri Division of Medical Services (DMS) was created within the Department of Social

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Services (DSS) by executive order. The Missouri General Assembly granted statutory authority to the division. The Division of Medical Services operates under the provision of Chapter 208, RSMo and Title XIX of the federal Social Security Act. The DMS is responsible for the administration of the medical assistance program in Missouri except for the determination of recipient eligibility for the program, which is the responsibility of the Division of Family Services (DFS). Additionally, the DSS/DMS is responsible for:

- Facilitating referrals to the First Steps System.
- Upholding and implementing all applicable First Steps procedures, rules and regulations
- Participating, as appropriate, in the eligibility determinations and the development of the Individualized Family Service Plans for First Steps eligible children
- Providing data required for fiscal planning
- Facilitating the provision of early intervention services including service coordination for those children who are eligible for First Steps

Section II. Fiscal Policies

Payor of Last Resort

All agencies agree that First Steps funds, federal or state, are to be used only for early intervention services that an eligible child needs but is not currently entitled to under any other Federal, State, local, or private source. All agencies agree that First Steps funds will not be used to satisfy a financial commitment for services that would otherwise be paid for from another public or private source unless that services' source of payment is under dispute.

Agencies involved in the direct billing and payment of early intervention services for First Steps are required to access all other funding sources available prior to the use of Part C funds. The Department of Elementary and Secondary Education will provide First Steps funds to assist in the payment of early intervention services when no other federal, state, local, or private source is available for services needed by an eligible child.

All agencies agree that as payor of last resort, First Steps funds may not be expended for any services that would otherwise be covered by another state or federal funding source for entitlement programs and services, including general revenue, Title V of the Social Security Act (SSA) (relating to maternal and child health, Title XIX of the SSA (relating to Medicaid for children eligible under this part), Children's Health Insurance Program and Temporary Assistance for Needy Families (TANF) within the state. Nothing in this agreement shall require DSS to assume responsibility for payment of early intervention services for First Steps eligible children from general revenue sources other than those designated as Part C maintenance of effort funds.

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Department of Social Services,, Division of Medical Services DSS/DMS

The Department of Social Services, Division of Medical Services is responsible for payment of early intervention services covered by Title XIX of the Federal Social Security Act for Medicaid eligible recipients if determined medically necessary when provided by Medicaid enrolled providers.

Among the early intervention services covered by Title XIX when determined to be medically necessary are:

- Assistive technology (Durable Medical Equipment (DME) program
- Audiology services as defined by Medicaid program guidelines
- Physician and Nurse Practitioner services
- Nursing services (Private Duty Nursing (PDN) and Home Health program
- Nutrition services if provided by physician or nurse practitioner
- Physical, Occupation, and Speech therapy
- Psychology/Counseling services
- Vision services including glasses
- HCY case management
- Transportation

MC+ Managed Care health plans will not be financially liable for therapy services (physical, occupational, or speech) included in an Individual Family Service Plan (IFSP). These services are available to health care plan enrollees outside the MC+ Managed Care program and are reimbursed to Medicaid enrolled providers on a fee-for-service basis by the Division of Medical Services.

Reduction in Benefits

All agencies agree that Part C regulation does not permit a reduction in benefits when children are eligible for multiple programs including general revenue supported state programs. Federal Program include, but are not limited to, Title V of the Social Security Act (SSA), Title XIX of the SSA, the Children's Health Insurance Program (SCHIP) and Temporary Assistance for Needy Families (TANF).

Fees for Services

All agencies agree that the following functions and services are provided at no cost to parents:

1. Child find activities;
2. Evaluation and assessment for eligibility and IFSP planning purposes;

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3. Service coordination;
4. Administrative and coordinative activities related to the development, review, and evaluation of IFSPs;
5. Implementation of procedural safeguards; and
6. All components of the statewide system as defined by Part C regulations unless another state or federal law provides for a system of payment by the family (i.e.; Medicaid, Bureau of Special Health Care Needs' Children's Program).

All agencies agree that fees are not charged for the services that a child is otherwise entitled to receive at no cost and that the inability of parents to pay for services will not result in the denial of services to a child or the child's family.

Medicaid Enrolled Providers

All agencies agree that First Steps providers must be recognized and enrolled providers with the state's Medicaid agency for those services covered under the state's Medicaid State Plan and that these providers must bill Medicaid for covered services in the IFSP.

First Steps Enrolled Providers

DSS service coordinators who provide service to First Steps enrolled children must be enrolled with the Central Finance Office and meet the First Steps credential requirements.

Resolution of Intra-and Interagency Disputes and Interim Payments

All agencies agree that in order to prevent delay in the timely provision of services, First Steps funds may be used to pay providers of early intervention services as defined by Part C regulations pending reimbursement from the agency or entity that has ultimate responsibility for the payment. Payment may be made for the following:

- 1) Early intervention services
- 2) Other functions and services authorized by Part C including child find, evaluation for eligibility determination and assessment for IFSP planning and implementation

Intra-agency dispute resolution procedures will be based upon each agency's internal procedures. Should an agency be unable to resolve its own internal problems in a timely manner, the Department of Elementary and Secondary Education will initiate the procedures described below.

Should there be a dispute regarding the identification of the responsible payor, all agencies agree to follow the procedures outlined below:

The Department of Elementary and Secondary Education will use First Steps funds to pay for services. The Department of Elementary and Secondary Education will conduct a review with parties involved. The assignment of financial responsibility will be reviewed by an interagency panel consisting of appropriate staff members designated by the director(s) of the state agencies. The panel will provide a recommendation of their decision to the Commissioner of Education and appropriate Department directors who will render a decision. This decision will reassign the fiscal responsibility to the appropriate agency and make arrangements to reimburse expenditures incurred by DESE. In the event the decision is not satisfactory, the parties involved may refer the dispute to the Governor. Services will continue to be provided during the resolution of the dispute at this level.

All payments including interim payments that are made by state agencies will be made in accordance with each agency's applicable federal and state laws and regulations.

DSS/DMS will conduct hearings in accordance with 42 CFR 431.200 through 431.250. DSS/DMS shall request DESE staff to participate in these hearings.

Section III. Additional Components

To ensure effective coordination effective July 1, 2001, among all agencies involved in the State's early intervention program, the agencies agree to the following:

Apply the specific criteria as adopted by DESE to determine eligibility for First Steps services. Any proposed change to the eligibility criteria will not be implemented without prior review and amendment to this agreement.

Meet the timetables and requirements established in the state rule for Part C funds.

Participate as appropriate as a multidisciplinary team member in the identification of infants and toddlers with disabilities and in the development and implementation of the Individual Family Service Plans.

Implement and uphold the procedural safeguards as required by Part C of the Individuals with Disabilities Education Act.

Maintain the confidentiality of client records and eligibility information received from DSS and use that information only in the activities authorized under this agreement.

Recognize that immigration status will not result in the denial of services to a child or the child's family.

Ensure the provision of early intervention services including service coordination for those children who have multiple eligibilities in state and federal programs within the Department of Social Services and First Steps.

Facilitate the relationship between First Steps and MC+ managed care plans.

Discuss any proposed changes to the financial obligations of a state agency and agree that such changes will not be implemented without prior review of detailed information of those new obligations and amendment to this agreement.

Support coordinated interagency efforts relating to child find activities, program evaluation, and monitoring.

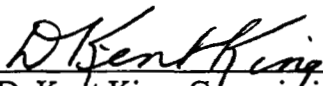
Promote public awareness activities for First Steps.

Participate, support, and assist in the development and implementation of a comprehensive system for personnel development and personnel standards.

Use standard First Steps forms that are developed by the Department of Elementary and Secondary Education. These forms include, but are not limited to: Referral, Intake and Eligibility Determination (combined enrollment), IFSP, Procedural Notices, and Assessment Report.

FOR THE STATE OF MISSOURI

Signed:


 Dr. D. Kent King, Commissioner
 Department of Elementary and Secondary Education

6/11/01
 Date


 for Dana Katherine Martin, Director
 Department of Social Services

7/19/01
 Date

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